

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

ALEXANDRA H. BALLARD and R. BRINCKERHOFF LOWERY, Trustees of the Alexandra Hixon Ballard Trust; DYLAN H. HIXON, Trustee of the Alexandra Trust under the ICH Lex Trust; DYLAN H. HIXON, Trustee of the Alexandra Trust under the JMH Lex Trust; DYLAN H. HIXON, Trustee of the Dylan Trust under the ICH Lex Trust; DYLAN H. HIXON, Trustee of the Dylan Trust Under the JMH Lex Trust; DYLAN H. HIXON, Trustee of the India Trust under the ICH Lex Trust; DYLAN H. HIXON, Trustee of the India Trust under the JMH Lex Trust; DYLAN H. HIXON, Trustee of the Shanti Trust under the ICH Lex Trust; DYLAN H. HIXON, Trustee of the Shanti Trust under the JMH Lex Trust; ANDREW R. HIXON, Trustee of the ICH Ando Trust; ANDREW R. HIXON, Trustee of the JMH Ando Trust; ANDREW R. HIXON and MICHELE M. HIXON, Trustees of the Andrew and Michele Hixon 2001 Trust, DEBRA P. GEIGER, Trustee of the Debra P. Geiger Living Trust; DEVON GEIGER NIELSEN, Trustee of the Devon Geiger Nielsen Living Trust; DYLAN H. HIXON and R. BRINCKERHOFF LOWERY, Trustees of the Dylan Hixon 1999 Trust; BETSY HUNTER GEIGER, Trustee of the Elizabeth H. Hunter Trust f/b/o Betsy H. Geiger; FRANK HIXON FOSTER, Trustee of the Frank Hixon Foster 1999 Trust; BETSY HUNTER GEIGER, Trustee of the Frank P. Hixon Trust f/b/o Betsy H. Geiger; INDIA T. RADFAR and R. BRINCKERHOFF LOWERY, Trustee of the India T. Radfar Trust dated May 11, 1998; WILLIAM DODD GEIGER III, Trustee of the William Dodd Geiger III 1989 Revocable Trust dated June 30, 1989; BARBARA HUNTER FOSTER, Trustee of the Foster Family Trust A; PAULINE H. TURPIN, Trustee of the Frank P. Hixon Trust f/b/o Pauline H. Turpin; PAULINE H. TURPIN, Trustee of the Elizabeth Hixon Hunter Trust f/b/o Pauline H. Turpin; GEORGE B. TURPIN, Trustee of the George B. and Pauline H. Turpin Trust, PAUL H. TURPIN, Trustee of the Turpin Family 1992 Revocable Trust dated December 16, 1992; GEORGE B. TURPIN, JR.; Trustee of the George B. Turpin, Jr. Living Trust dated August 29, 1995; BRIER ALLEBRAND, Trustee of the

MDL Docket No. 02-1335-B  
Case No. 04-1336-B

Allebrand Living Trust dated April 30, 1993; BETSY HUNTER GEIGER, Trustee of the Geiger Family Revocable Trust; BARBARA HUNTER FOSTER, Trustee of the Elizabeth H. Hunter Trust f/b/o Barbara Hunter Foster; BARBARA HUNTER FOSTER, Trustee of the Frank P. Hixon Trust f/b/o Barbara Hunter Foster; ADELAIDE E. FOSTER; E. GAGE FOSTER WOODARD; HUGH K. FOSTER, JR.; JENNIFER B.F.F. WALTON; ANDREW R. HIXON, Trustee of the Andrew R. Hixon Trust; SHANTI HIXON, Trustee of the Shanti Hixon Revocable Trust,

Plaintiffs,

- against -

Tyco International, Ltd.; L. Dennis Kozlowski; Mark H. Swartz; Mark A. Belnick; Frank E. Walsh, Jr.; Michael A. Ashcroft, and PricewaterhouseCoopers LLP,

Defendants.

**AGREED ORDER AND FINAL JUDGMENT OF DISMISSAL AGAINST  
DEFENDANT MARK H. SWARTZ**

Plaintiffs and Defendant Mark H. Swartz (“Swartz”) having represented to the Court that they have entered into a settlement agreement that resolves all issues between and among them in the Complaint, and for good cause shown, the Court ORDERS:

1. All claims asserted by Plaintiffs against Swartz in the Complaint are  
DISMISSED WITH PREJUDICE.

2. The Clerk is directed to enter this Agreed Order and Final Judgment of Dismissal against Defendant Swartz as a final judgment and send a copy of same to all counsel of record.

IT IS SO ORDERED

July 30, 2009

/s/ Paul Barbadoro  
The Hon. Paul Barbadoro  
United States District Judge

MORGENSTERN & BLUE, LLC

By: /s/ Rachel K. Marcoccia  
Attorneys for Plaintiffs

STILLMAN, FRIEDMAN & SHECHTMAN, P.C.

By: /s/ Michael J. Grudberg  
Attorneys for Mark H. Swartz